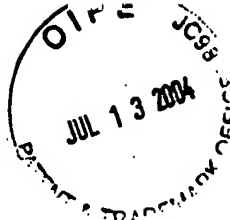


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1651
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Fischetti, et al.

Serial No. 10/067,995

Group: 1651

Filed: February 8, 2002

Examiner: Francisco C. Prats

For: USE OF BACTERIAL PHAGE ASSOCIATED LYSING ENZYMES FOR TREATING
UPPER RESPIRATORY ILLNESSES

The Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Sir:

First, please note that all correspondence should go to the address of the undersigned
attorney, said address being:

2107 Hounds Run Place
Silver Spring, Maryland 20906

A terminal disclaimer is enclosed, along with the appropriate fee.

AMENDMENT

IN THE SPECIFICATION

Page 1, after title, line 5, please amend as shown in the attachment.

COMMENTS

Applicants note that the Office Action gave a double obviousness rejection over 5,985,271,

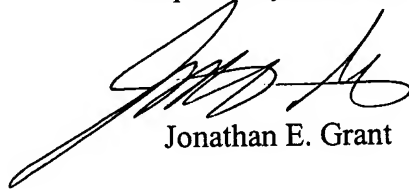
6,326,002, and a provisional double obviousness rejection over 10/067,979.

Applicants note that these patents and the patent application are specific for the lytic enzyme encoded for by the C1 bacteriophage. The C1 bacteriophage lytic enzyme is specific for *Streptococcus* Group A, Group C and Group E only. The C1 bacteriophage lytic enzyme is not specific for, and can not lyse, the cell wall of *Streptococcus pneumoniae*.

The prior art, included in the IDS, as well as numerous other articles, supports this position.

The application is now in condition for allowance. Please call the undersigned at (301) 603-9071 or at the cell phone number of (301) 346-8714 if you have any questions or comments. Thank you.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jonathan E. Grant', is written over the typed name.

Jonathan E. Grant

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